

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 4111.03WOUS
INTERNATIONAL APPLICATION NO. PCT/EP2003/008825		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/528,235
INTERNATIONAL FILING DATE 08 August 2003		PRIORITY DATE CLAIMED 18 September 2002
TITLE OF INVENTION METHOD FOR ENRICHING A PROKARYOTIC DNA		
APPLICANT(S) FOR DO/EO/US Karl-Hermann SCHMIDT, Eberhard STRAUBE, Stefan RUSSWURM		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
1. <input type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371.		
2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371.		
3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.		
4. <input type="checkbox"/> The US has been elected (Article 31).		
5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))		
a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).		
b. <input type="checkbox"/> has been communicated by the International Bureau.		
c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).		
6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).		
a. <input type="checkbox"/> is attached hereto.		
b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).		
7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))		
a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).		
b. <input type="checkbox"/> have been communicated by the International Bureau.		
c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.		
d. <input type="checkbox"/> have not been made and will not be made.		
8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).		
9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).		
10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).		
Items 11 to 20 below concern document(s) or information included:		
11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.		
12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.		
13. <input type="checkbox"/> A preliminary amendment.		
14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.		
15. <input type="checkbox"/> A substitute specification.		
16. <input type="checkbox"/> A power of attorney and/or change of address letter.		
17. <input checked="" type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.3 and 37 CFR 1.821- 1.825.		
18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).		
19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).		

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/528,235		INTERNATIONAL APPLICATION NO. PCT/EP2003/008825		ATTORNEY'S DOCKET NUMBER 4111.03WOUS	
20. Other items or information: Response to Notification of Defective Response; Notification of Defective Response; Compact Disc Transmittal and two (2) compact disks; copy of Verified Statement along with paper copy of sequence listing.					
The following fees have been submitted				CALCULATIONS	PTO USE ONLY
21. <input type="checkbox"/> Basic national fee (37 CFR 1.492(a))..... \$330				\$	
22. <input type="checkbox"/> Examination fee (37 CFR 1.492(c))				\$	
If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0 All other situations..... \$220				\$	
23. <input type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... \$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB..... \$430 All other situations..... \$540				\$	
TOTAL OF 21, 22 and 23 =					
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) in an electronic medium or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$270 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	/50 =		x \$270	\$	
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	- 20 =		x \$ 52	\$	
Independent claims	- 3 =		x \$220	\$	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$390	\$	
TOTAL OF ABOVE CALCULATIONS =				\$	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.					
SUBTOTAL =				\$	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				+	\$
TOTAL NATIONAL FEE =				\$	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				+	\$
TOTAL FEES ENCLOSED =				\$	0.00
				Amount to be refunded:	\$
				Amount to be charged	\$

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- a. ☐ A check in the amount of \$ _____ to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 16-0631.
- d. ☒ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038. The PTO-2038 should only be mailed or faxed to the USPTO. However, when paying the basic national fee, the PTO-2038 may NOT be faxed to the USPTO.

ADVISORY: If filing by EFS-Web, do NOT attach the PTO-2038 form as a PDF along with your EFS-Web submission. Please be advised that this is not recommended and by doing so your credit card information may be displayed via PAIR. To protect your information, it is recommended paying fees online by using the electronic payment method.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Douglas J. Christensen
Patterson, Thunte, Skaar & Christensen, P.A.
4800 IDS Center
80 South Eighth Street
Minneapolis, MN 55402
(612) 349-3001


SIGNATURE

Douglas J. Christensen

NAME

35480

REGISTRATION NUMBER

The PTO did not receive the following
listed item(s) NO Credit Card

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Attorney Docket No.: 4111.03WOUS

Karl-Hermann Schmidt et al.

Confirmation No.: 3490

Application No.: 10/528,235

Examiner: Unknown

Filed: March 18, 2005

Group Art Unit: Unknown

For: METHOD FOR ENRICHING A PROKARYOTIC DNA

RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:


In response to the Notification of Defective Response mailed July 16, 2010, Applicants submit herewith the following:

- 1) Copy of Notification of Defective Response;
- 2) Response to Notification of Defective Response;
- 3) Compact Disc Transmittal with two compact disks containing copies of a computer readable form of the sequence listing in connection with the above application; and
- 4) Copy of Verified Statement and paper copy of sequence listing previously filed with the application on March 18, 2005.

Entry of these documents should complete all of the filing formalities and fully satisfy all requirements of the Notice to File Missing Requirements. Accordingly, examination and allowance of this application in due course are respectfully solicited. The Commissioner is

Application No. 10/528,235
hereby authorized to charge any underpayment or credit any overpayment to Deposit Account
No. 16-0631.

Respectfully submitted,



Douglas J. Christensen
Registration No. 35480

Customer No. 24113
Patterson Thuente Christensen Pedersen, P.A.
4800 IDS Center
80 South 8th Street
Minneapolis, Minnesota 55402-2100
Telephone: 612.349.3001

Please grant any extension of time necessary for entry; charge any fee due to Deposit Account No. 16-0631.

CERTIFICATE OF EXPRESS MAIL

"Express Mail" mailing label number EV 494289871 US. Date of Deposit: August 13, 2010. I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Glenda Anderson
Name of Person Making Deposit

G. Anderson
Signature



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/528,235	Karl-Hermann Schmidt	3081.109US01

24113

PATTERSON THUENTE CHRISTENSEN PEDERSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS, MN 55402-2100

INTERNATIONAL APPLICATION NO.

PCT/EP2003/008825

I.A. FILING DATE	PRIORITY DATE
08/08/2003	09/18/2002

CONFIRMATION NO. 3490
371 FORMALITIES LETTER



OC000000042572833

Date Mailed: 07/16/2010

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- Priority Document
- Copy of the International Application filed on 03/18/2005
- Copy of the International Search Report filed on 03/18/2005
- Copy of IPE Report filed on 12/11/2007
- Preliminary Amendments filed on 03/18/2005
- Information Disclosure Statements filed on 03/18/2005
- Oath or Declaration filed on 07/30/2008
- Biochemical Sequence Listing filed on 03/18/2005
- Request for Immediate Examination filed on 03/18/2005
- U.S. Basic National Fees filed on 03/18/2005
- Priority Documents filed on 03/18/2005
- Power of Attorney filed on 12/11/2007
- Specification filed on 03/18/2005
- Claims filed on 03/18/2005
- Abstracts filed on 03/18/2005
- Drawings filed on 03/18/2005

Applicant's response filed 07/30/2008 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 10/11/2007 have not been completed.

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR

JUL 19 2010

PATTERSON THUENTE
CHRISTENSEN PEDERSEN P.A.
Docketing Review

1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patent Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patent Software Program Help @ ebc@uspto.gov

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.

<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

ULYSSES G WALKER

Telephone: (703) 756-1401

Customer No. 24113
Patterson Thunte Christensen Pedersen, P.A.
4800 IDS Center
80 South 8th Street
Minneapolis, MN 55402
Telephone: 612.349.3001
Facsimile: 612.349.9266

Attorney Docket No. 4111.03WOUS

COMPACT DISC TRANSMITTAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are compact discs established in conformance with 37 CFR 1.52.

Enclosed are:

1. A compact disc (CD-ROM or CD-R) labeled as **Copy 1** and defined as follows:
 - A. Contents of the compact disc:
 - ☐ Table Listing that is over 50 pages of text in ASCII format, the spatial relationship of columns and rows of the table are maintained.
 - ☒ Computer Program Listing in ASCII format wherein each line contains 72 characters or fewer.
 - B. Machine Format of the compact disc:
 - ☐ MS-DOS
 - ☒ MS-Windows
 - ☐ Macintosh
 - ☐ Unix
 - ☐ Other _____
 - C. Listing of Files on the compact disc:

Title	Size in Bytes	Date of Creation
3081.109-US-01.txt	20KB	March 18, 2005
2. A duplicate copy of the compact disc (CD-ROM or CD-R) labeled **Copy 2**.


Per the requirements of 37 CFR 1.52, Copy 1 and Copy 2 of the compact disc have been

labeled with:

- i. the names of the inventors (if known)
- ii. the attorney docket number and application number (if known)
- iii. the creation date of the compact disc
- iv. if multiple compact discs are submitted, the labels indicate their order (e.g. "1 of X").

Each compact disc, per the requirements of 37 CFR 1.52, is provided with a hard compact disc case that is placed within an unsealed padded envelope.

Respectfully submitted,



Douglas J. Christensen
Registration No. 35480


Please grant any extension of time necessary for entry; charge any fee due to Deposit Account No. 16-0631.

CERTIFICATE OF EXPRESS MAIL

"Express Mail" mailing label number EV 494289871 US. Date of Deposit: August 13, 2010. I hereby certify that this document is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to: the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Glenda Anderson

Name of Person Making Deposit



Signature

COPY

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PCT RECEIVING OFFICE (RO/US)**

In re the application of:

Attorney Docket No.: 3081.109US01

SCHMIDT et al.

Application No.: *Not Yet Assigned*

Filed: *Concurrently Herewith*

For: METHOD OF ENRICHING A PROKARYOTIC DNA

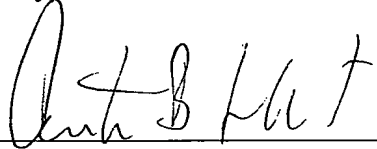
VERIFIED STATEMENT

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I, Curtis Herbert, declare that I personally prepared the paper and the computer-readable copy of the Sequence Listing filed herewith for the above-identified application and that the content of both is the same. I further declare that this sequence listing does not go beyond the disclosure in the international application as originally filed.

Date:

MAR 18, 2005


Curtis B. HERBERT

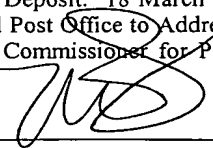
Registration No. 45,443

Patterson, Thuente, Skaar & Christensen, P.A.
4800 IDS Center
80 South 8th Street
Minneapolis, Minnesota 55402-2100
Telephone: (612) 349-3008

CERTIFICATE OF EXPRESS MAIL

"Express Mail" mailing label number EV 494285490 US. Date of Deposit: 18 March 2005. I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to the Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Mai Lee Vang
Name of Person Making Deposit


Signature